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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 17-57-BLG-SPW-01
Plaintiff,	
vs.	
MARTIN CLARK ANDERSON,	<u>OFFER OF PROOF</u>
Defendant.	

The defendant, Martin Clark Anderson, has signed a plea agreement which contemplates his plea of guilty to Count I of the Indictment, charging him with Conspiracy to Possess with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 846. This offense carries a mandatory minimum ten years imprisonment and a maximum term of life, a \$10,000,000 fine, at least five years of

supervised release, and a \$100 special assessment. At the time of sentencing, the United States will move to dismiss Counts III-VI of the Indictment against the defendant.

The United States presented all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the court represents, in the government's view, the most favorable offer extended to the defendant. *See Missouri v. Frye*, 132 S. Ct. 1399 (2012).

Elements. In order to prove the case against the defendant at trial, the United States would have to prove the following elements beyond a reasonable doubt:

First, there was an agreement between two or more persons to possess, with the intent to distribute, methamphetamine; and

Second, the defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish that object;

Finally, it was within the scope of conspiracy or was otherwise reasonably foreseeable to the defendant that the conspiracy would involve at least 500 grams of a substance containing a detectable amount of methamphetamine.

Proof. If called upon to prove this case at trial, and to provide a factual basis for the defendant's plea, the United States would present, by way of witnesses and documentary evidence, the following:

1. In November 2015, law enforcement received information that Martin Anderson was supplying drugs in the Bakken area and was receiving methamphetamine in the mail.
2. On September 26, 2016, law enforcement executed a controlled purchase from Anderson at his residence. Anderson's residence is located approximately 620 feet from Central Elementary School in Sidney, Montana. This purchase was done through a confidential informant who informed law enforcement that he/she purchased methamphetamine from Anderson approximately 12 times since February 2016. The confidential informant purchased 3.5 grams of methamphetamine from Anderson.
3. On September 29, 2016, law enforcement executed another controlled purchase from Anderson at the same residence in Sidney. The same confidential informant purchased 7 grams of methamphetamine from Anderson. The confidential source also told law enforcement that Anderson collected the purchased methamphetamine from a 1-gallon plastic bag, which was approximately half-full and weighed approximately one pound.
4. In February 2017, law enforcement learned from a confidential informant that Autumn Guerrero was dealing methamphetamine for Martin

Anderson. Guerrero told the confidential source that she expected her and Anderson to receive a pound of methamphetamine from California in the next couple of days. The source stated that Anderson and Guerrero receive approximately 1/2 pound of methamphetamine every few weeks for redistribution in the Bakken area.

5. That same month law enforcement executed a controlled purchase from Guerrero for 3.5 grams of methamphetamine. During the execution of the controlled purchase, law enforcement observed Guerrero enter Anderson's residence (which was right across the street) prior to distributing the methamphetamine.
6. On March 16, 2017, pursuant to a search warrant, law enforcement searched Anderson's residence. Discovered were multiple items consistent with narcotics distribution, including approximately 50 grams of methamphetamine in separate baggies and approximately \$27,468 cash.

DATED this 26th day of February, 2018.

KURT G. ALME
United States Attorney

/s/ Zeno B. Baucus
ZENO B. BAUCUS
Assistant United States Attorney